

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

MARTIN KUSTER,

Plaintiff,

v.

WESTERN DIGITAL
TECHNOLOGIES, INC.,

Defendant.

Case No. 6:20-cv-00563-ADA

JURY TRIAL DEMANDED

**DECLARATION OF SRIDHAR NARA IN SUPPORT OF DEFENDANT WESTERN
DIGITAL TECHNOLOGIES, INC.'S MOTION TO TRANSFER AND TO DISMISS**

I, Sridhar Nara, declare as follows:

1. I started work at Western Digital in June 2019 and I am currently employed as a Product Manager for USB products, including the iXpand and Ultra product lines.
2. I submit this declaration in support of Defendant Western Digital Technologies, Inc.'s ("WDT") Motion to Transfer and to Dismiss in the above-captioned action. I submit this declaration based upon my personal knowledge and my investigation of the facts below. If called upon to testify, I could and would testify competently to these facts.
3. It is my understanding that Mr. Kuster has accused a variety of USB 3.0 flash devices of infringement ("Accused Products") in the above-captioned action. By virtue of my management position, I am familiar with the identity and location of the documents and witnesses that are relevant to the development, engineering, marketing, sales, and finance related to the Accused Products.

4. WDT is incorporated in the State of Delaware and WDT's principal executive offices and corporate headquarters are located at 5601 Great Oaks Parkway, San Jose, California 95119.

5. WDT and its affiliates employ thousands of people, such as myself, in its Fremont, Milpitas, and San Jose offices, California.

6. By virtue of my position with Western Digital, I am familiar with technical and business aspects of the Accused Products. I am based in WDT's Milpitas, California office (the "Milpitas Office"). Other members of my team are also based in the Milpitas Office and are also knowledgeable about the technical and business aspects of the Accused Products.

7. I know and I am informed that the vast majority of U.S.-based employees of WDT and its affiliates with knowledge relevant to the Accused Products are located in Milpitas, California. I know and am informed that there are no employees with knowledge relevant to the Accused Products located in Austin, Texas. The employees in Milpitas can testify to product features and design, marketing, total addressable market, market share, sales, and revenue, among other things.

8. One such employee is Trac Doan, a Principle Engineer familiar with the technical aspects of the Accused Products. Mr. Doan is based in the Milpitas Office along with other members of his team who are also familiar with the technical aspects of the Accused Products.

9. Another such employee is Brian Pridgeon. Mr. Pridgeon is a Director of Product Marketing and is familiar with the marketing of the Accused Products. He is based in the Milpitas Office along with other members of his team who also have knowledge of the marketing of the Accused Products.

10. Another such employee is Alfonso Calderon, a Senior Manager of Industrial Design. He is familiar with the aspects relating to industrial design of the Accused Products. He is based in the Milpitas Office along with other members of his team who are also familiar with aspects relating to the industrial design of the Accused Products.

11. In addition to the above-named individuals and their team members, members of the accounting and finance team who are familiar with the sales and revenue related to the Accused Products are based in the Milpitas Office.

12. Members of the customer technical support team who are familiar with the features of the Accused Products and customer feedback regarding the Accused Products are also based in the Milpitas Office.

13. Members of the manufacturing operations and supply chain teams who are familiar with the manufacturing and movement of the Accused Products are also based in the Milpitas Office.

14. Members of these and other teams who may have information regarding the Accused Products sit in overseas locations including India, Malaysia, China, and other non-U.S. locations.

15. I am informed that WDT leases two office spaces in Austin, Texas (“the Austin Offices”). As to the first office space located at 9442 Capital Texas Hwy, Austin, approximately two individuals use this office space. There is no sign identifying WDT. As to the second office space located at 7501 Capital Texas Hwy, Austin, I understand that two teams use this office space. One team, consisting of approximately 12 individuals, is focused on the development of RISC-V architectures, which has nothing to do with USB flash devices like the Accused Products. The second team, which is the same team that uses the 9442 Capital Texas Hwy office space, is a technical sales support team that supports a large local customer with hard drives and solid-state drives and has nothing to do with USB flash devices like the Accused Products. As such, the Austin Offices are not used in any way in the design, development, or operation of the Accused Products. Further, neither office space operates as an official WDT “office.” It is merely workspace for the few individuals located in that area. I also understand that WDT employs approximately 75 individuals total who live in the State of Texas, most of whom primarily work remotely (*i.e.*, not in WDT affiliated offices).

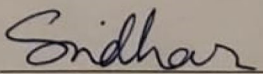
16. I am informed that WDT's Austin-based employees are not involved in any way in the design, development, or operation of the Accused Products. WDT is not aware of any individual (employee or otherwise) in the Western District of Texas with knowledge regarding the Accused Products beyond what is generally available to the public or who are members of these above-mentioned teams with knowledge of the Accused Products. I am not aware of any employee in the State of Texas that WDT would identify as a witness in this case.

17. My understanding is that the Accused Products are neither designed nor manufactured—in whole or in part—in Austin, Texas, nor in the State of Texas.

18. I know and am informed that while the majority of WDT's documents regarding the Accused Products are stored electronically—including documents related to the development and implementation of the Accused Products, design records, manufacturing records, sales records, marketing records, communications regarding the accused products, and revenue information—none of these documents originated in, nor are they (or were they ever) stored in the State of Texas. Further, I am informed that none of the employees in the Austin Offices are responsible for creating, maintaining, reviewing, or updating documents or other data related to the design, development, or operation of the Accused Products. In short, the Austin Offices had—and continue to have—nothing to do with the design, development, engineering, or marketing of the Accused Products.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 17, 2020 in San Jose, CA.


Sridhar Nara